

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Kenneth Rivera,

Plaintiff,

v.

Dennis Patterson, *D.H.O.*, Stacey Richardson,
Inmate Classification, Mr. Freddriks,
Associate Warden, Ms. Jackson, *I.C.C.*, Ms.
Bryan, *I.C.C.*, Ms. Green, *I.C.C.*, Jessica
Salley, *R.H.U. Coordinator*,

Defendants.

C/A No. 8:23-cv-1107-SAL

ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) (the “Report”). [ECF No. 43.] Plaintiff Kenneth Rivera, an inmate in the South Carolina Department of Corrections, filed this *pro se* action against Defendants under 42 U.S.C. § 1983. [ECF No. 1-1.] He alleges that prison officials placed him in security detention in violation of his Fourteenth Amendment right to due process. Defendants moved for summary judgment under Federal Rule of Civil Procedure 56. [ECF No. 24.] The Report recommended the court grant Defendants’ motion because Plaintiff has not shown his confinement implicates a protected liberty interest. [ECF No. 43.] The Report also notified Plaintiff of the procedures for filing objections to the magistrate judge’s recommendation. [ECF No. 43-1 at 1.] Plaintiff did not file objections, and the deadline for doing so—February 6, 2024—has passed.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court must review *de novo* only

the portions of the Report to which a party has specifically objected, and it may accept, reject, or modify the Report in whole or in part. *See* 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error. The Report, ECF No. 43, is adopted and incorporated by reference herein. Defendants’ motion for summary judgment, ECF No. 24, is therefore **GRANTED**.

IT IS SO ORDERED.

February 20, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge